

REMARKS

Claims 1-12 are currently pending, in which claims 1 and 10 are independent. Independent claims 1 and 10, along with claims 3, 6 and 12 have been amended. Claims 2 and 11 have been canceled. As such, claims 1, 3-10 and 12 remain pending and no new matter has been added by way of these amendments. Favorable reconsideration of the action is respectfully requested in view of the foregoing amendments and the following comments of the Applicants, which are preceded by related comments of the Examiner in small bold type:

Claim Rejections - 35 USC § 101

Claims 1, 5 and 7-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed invention is directed to a judicial exception to 35 U.S.C. 101 (i.e., an abstract idea, natural phenomenon, or law of nature) and is not directed to a practical application of such judicial exception (e.g., because the claims does not require any physical transformation and the invention as claimed does not produce a useful, concrete tangible result). In this instance, the claims disclose a method for positively identifying a client machine to a backend without disclosing the tangible result of processes and the actual step of integrity check/comparison is not recited.

Without conceding to the Examiner, independent claims 1 and 10 have been amended to expedite prosecution. As suggested by the Examiner, the subject matter of claims 2 and 11 has respectively been amended to independent claims 1 and 10. Applicant submits that the amended independent claims 1 and 10, along with dependent claims 5, and 7-9, provide a practical application and a useful, concrete and tangible result, as required by 35 U.S.C. § 101.

Claim Rejections - 35 USC § 103

Claims 1, 5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Childs et al. U.S. Pat. No. 7234157 (hereinafter Childs) in view of Ellison et al. U.S. Pat. No. 7082615 (hereinafter Ellison).

As mentioned above, and without conceding to the Examiner, independent claims 1 and 10 have been respectively amended with subject matter from claims 2 and 11. As such, the Applicant asserts the cited references do not disclose or suggest the features of amended independent claims 1 and 10 and respectfully request withdrawal of the rejections.

Allowable Subject Matter

Claims 2-4, 6 and 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Applicant appreciates the Examiner's statement that claims 2-4, 6 and 11-12 would be allowable if placed into independent form. Based upon this statement, independent claim 1 has been amended to include the subject matter of claim 2 and independent claim 10 has been amended to include the subject matter of claim 11. As such, amended independent claims 1 and 10 are believed to be in condition for allowance.

Dependent claims 3-9 and 12 are also believed to be allowable at least for the reasons discussed above with respect to their corresponding independent claim. Although it is believed that the dependent claims define patentably distinct features, given the distinctiveness of the respective independent claims, the dependent claims are not discussed here in detail.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing remarks, the Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

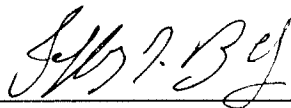
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\$60 for the required Petition for Extension of Time fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account Authorization. Please apply any additional charges or credits to deposit account 06-1050, referencing Attorney Docket No. 13984-006US1.

Respectfully submitted,

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